

## REMARKS

This Paper and Petition for a one-month extension of time are submitted in response to the Office Action mailed December 8, 2005 having a shortened statutory response period that ended on March 8, 2006. This Paper is filed within one month of the shortened statutory response period, namely April 8, 2006. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Claims 3-7, 9, 11-18, 20, 22-23, 25, 28, 39-45, and 61-62 are pending in this application. Claims 10 and 26 have been canceled.

Claims 3-7, 9-18, 20, 22-23, 25-26, 28, 39-45, and 61-62 were rejected under 35 U.S.C. §112 1<sup>st</sup> paragraph as the term “DSC melting point of about 100°C” was alleged to be not supported by the specification. This term has been removed from the claims. Applicants respectfully submit that these amendments do not narrow the scope of the claims or surrender any claimed subject matter. In view of the foregoing, Applicants respectfully request that the §112 rejections be withdrawn.

Claims 4-7, 9-18, 20, 22-23, 25-26, 28, 39-45, and 61 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,361,843 to *Smith* et al. (*Smith*). Claims 4-7, 9-10, 14-18, 20, 22-23, 25-26, 28, 39-41, and 61 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,610,392 to *Ramesh* et al. (*Ramesh*). Claims 11-13 and 42-45 were rejected under 35 U.S.C. §103(a) as being obvious over *Ramesh* in view of U.S. Patent No. 4,487,885 to *Adur* et al. (*Adur*). Claims 3 and 62 were rejected under 35 U.S.C. §103(a) as being obvious over *Smith* in view of U.S. Patent No. 5,695,840 to *Mueller* (*Mueller*). Claims 3 and 62 were rejected under 35 U.S.C. §103(a) as being obvious over *Ramesh* in view of *Mueller*. Applicants respectfully traverse and disagree with these rejections.

*Smith* teaches away from a multiple layer structure having a single tie layer disposed between first and second exterior layers, the tie layer in direct contact with the first and second exterior layers as recited in the present claims. *Smith* discloses a polymeric structure having five layers: an exterior solution contact layer (II), a core layer (I), an exterior outer layer (III), and two tie layers, namely, a tie layer between layers II and I, and a tie layer between layers I and III. *Smith*, col. 2 line 65 through col. 3 line, FIG. 1. *Smith*'s core layer I lies between the exterior solution contact layer (II) and the exterior outer layer (III) thereby preventing a single tie layer from contacting both exterior layers. *Smith* further requires two tie layers—a tie layer between layers II and I, and a tie layer between layers I and III further teaching away from a single tie layer. As *Smith* discloses 1) a multilayered structure with a core layer that prevents contact

between a single tie layer and the two exterior layers, and 2) *Smith* explicitly discloses a multiple layer structure with two tie layers, *Smith* teaches away from a multiple layer structure having a single tie layer disposed between the first and second exterior layers, the tie layer in direct contact with the first and second exterior layers as recited in the present claims as recited in the present claims.

*Ramesh* likewise teaches away from a multiple layer structure having a single tie layer disposed between first and second exterior layers, the tie layer in direct contact with the first and second exterior layers as recited in the present claims. *Ramesh* discloses a multilayer film having at least four layers: exterior layer A, inner layer B, inner layer C, and exterior layer D. *Ramesh*, col. 2 lines 38-49, col. 15 lines 28-29, *see also* col. 21 lines 17-25. As the *Ramesh* multiple layer film requires two inner layers between exterior layers A and D, *Ramesh* teaches away from a single tie layer disposed between the exterior layers and in direct contact with each exterior layer as recited in the present claims.

*Adur* and *Mueller* each fail to fulfill the deficiencies of *Smith* and/or *Ramesh*. *Adur* merely discloses adhesive blends and fails to teach or suggest a film having an exterior layer composed of an ethylene and  $\alpha$ -olefin copolymer having a density of less than about 0.905 g/cc as recited in the claims. Indeed, *Mueller* further teaches away from the present claims as *Mueller* discloses a five-layered film with an inner core layer disposed between the exterior layers, the inner core layer preventing direct contact between two exterior layers and a single tie layer disposed therebetween as recited in the present claims. *Mueller*, col. 6 lines 4-9, FIG. 1.

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 3-7, 9, 11-18, 20, 22-23, 25, 28, 39-45, and 61-62 are in a condition for allowance and respectfully request an early notice of the same.

Respectfully submitted,

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